

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 112**

Claims 1 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites, “one pair of opposing faces of the rectangular shape are arranged to form a **substantially symmetrical shape**” (emphasis added) in lines 6-7 of the claim. The recitation “substantially symmetrical shape” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 5 recites, “void portions, each having an elongated shape parallel to each other and also parallel to said another pair of opposing faces of the rectangular shape.” Although paragraph [0022] of the specification recites that “corresponding faces ‘a’ and ‘b’ are formed parallel” and “notch portions are formed as two rows of (blind) holes on the parallel formed faces of the rectangular shape,” the specification does not describe that the void portions are parallel to each other and to said another pair of opposing faces. This subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al. (JP 11218173 A) in view of Booher (US Patent 4,772,044) and further in view of Baba (JP 01126413 A).

Enomoto et al. (referred to as Enomoto hereafter) discloses a torque rod (Fig. 3) comprising a(n):

Re claim 1

- Rod portion (101) with a built-in pair of rubber bushes (near 122, 142), which are formed respectively around a pair of cylinders (103, 105)
- Rod portion linking both the rubber bushes (Fig. 4)
- Cross-sectional shape of the central portion of the rod portion forms an approximately rectangular shape (Fig. 4)
- One pair of opposing faces of the rectangular shape (see top face at numeral 101 in Fig. 3 and the opposite bottom face)
- Another pair of opposing faces of the rectangular shape are arranged substantially parallel to each other (see opposite faces at numeral 101 in Fig. 4)

Enomoto does not expressly disclose the one pair of opposing faces arranged to form a substantially symmetrical shape which bulges outwards in a non-parallel configuration defining

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bulging faces, such that the central cross section of the rod portion is thicker than the ends thereof.

Booher teaches the use of one pair of opposing faces (84, 94; Fig. 3) arranged to form a substantially symmetrical shape which bulges outwards in a non-parallel configuration defining bulging faces (84, 94), such that the central cross section of the rod portion is thicker than the ends thereof (compare with ends near numerals 82, 86; C3 / L20-24)) for the purpose of providing and defining flexibility in the torque rod (C4 / L30-38).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide the one pair of opposing faces arranged to form a substantially symmetrical shape which bulges outwards in a non-parallel configuration defining bulging faces, such that the central cross section of the rod portion is thicker than the ends thereof, as taught by Booher, in the device of Enomoto for the purpose of providing and defining flexibility in the torque rod.

Enomoto does not expressly disclose the rod portion having a plurality of void portions formed on one of the bulging faces, the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape, the void portions formed on one of the bulging faces are arranged such that said void portion are not visible from the other of the bulging faces.

Baba teaches the use of a rod portion (18) having a plurality of void portions (near 20, 24; Fig. 1) formed on one of the faces, the void portions defining elongated holes which extend substantially parallel to another pair of opposing faces (20, 22) of rectangular shape (Fig. 3), the void portions formed on one of the bulging faces are arranged such that said void portion are not

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visible from the other of the bulging faces (see 18 in Fig. 3) for the purpose of improving the strength of the torque rod (see purpose statement in English abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide the rod portion having a plurality of void portions formed on one of the bulging faces, the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape, the void portions formed on one of the bulging faces are arranged such that said void portion are not visible from the other of the bulging faces, as taught by Baba, in the device of Enomoto as modified above for the purpose of improving the strength of the torque rod.

Enomoto as modified above further discloses the following:

Re claim 5

- Rod portion (101) between the rubber bushes is shaped with said plurality of void portions, each having an elongated shape parallel to each other and also parallel to said another pair of opposing faces of the rectangular shape (see in at least Fig. 3 of Baba)

Re claim 23

- Pair of cylinders comprises a first cylinder (103), and a second cylinder (105) having an axis thereof disposed at 90 degrees to an axis of the first cylinder (para. [0032] in English translation)
- Pair of rubber bushes comprises a first rubber bush covering the first cylinder (near 122), and a second rubber bush (near 142) covering the second cylinder

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- Pair of stoppers (see portions of rubber on left and right sides of numeral 103 in Fig. 3) are arranged between the second rubber bush and a portion of the rod portion encompassing the second cylinder so as to form hollow portions on the inner and outer sides of the second cylinder (see hollow portions on right and left sides of numeral 103 in Fig. 3), such that during operation, said second cylinder is selectively movable by impacting with said stoppers (para. [0025] / L8-11)

Re claim 24

- Torque rod (101), the torque rod structure comprising a rod portion with built-in pair of rubber bushes (near 122, 142), which are formed around a pair of cylinders, the rod portion linking both the rubber bushes (Fig. 3)
- Cross-sectional shape of the central portion of the rod portion forms an approximately rectangular shape (Fig. 4), and one pair of opposing faces of the rectangular shape form a shape which bulges outwards (84, 94; Booher), such that the central cross-section of the rod portion is thicker than the ends thereof and the other pair of the opposing faces of the rectangular shape are formed parallel (Fig. 3; Booher)
- Shape of the cross-section in the vicinity of the central portion along longitudinal direction of the rod portion has a series of alternate cross-sections which have a notched portion (near 20, 22 Fig. 1; Baba) and cross-sections which do not have said notched portion (20, 24, 22; Baba) wherein cross-shaped ribs are formed on the rod portion

- Notched portions are formed as two rows of holes on the parallel formed faces of the rectangular shape (see two rows in Fig. 1; Baba)

### **Response to Arguments**

Applicant's arguments with respect to claim 1, 5, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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